

## CHAPTER 673

### DOMESTICATED ANIMAL ACTIVITIES

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#### 673.1 Definitions.

1. “*Claim*” means a claim, counterclaim, cross-claim, complaint, or cause of action recognized by the Iowa rules of civil procedure and brought in court on account of damage to or loss of property or on account of personal injury or death.

2. “*Domesticated animal*” means an animal commonly referred to as a bovine, swine, sheep, goat, domesticated deer, llama, poultry, rabbit, horse, pony, mule, jenny, donkey, or hinny.

3. “*Domesticated animal activity*” means any of the following:

- a. Riding or driving a domesticated animal.
- b. Riding as a passenger on a vehicle powered by a domesticated animal.
- c. Teaching or training a person to ride or drive a domesticated animal or a vehicle powered by a domesticated animal.
- d. Participating in an activity sponsored by a domesticated animal activity sponsor.
- e. Participating or assisting a participant in a domesticated animal event.
- f. Managing or assisting in managing a domesticated animal in a domesticated animal event.

g. Inspecting or assisting an inspection of a domesticated animal for the purpose of purchase.

h. Providing hoof care including, but not limited to, horseshoeing.

i. Providing or assisting in providing veterinary care to a domesticated animal.

j. Boarding or keeping a domesticated animal, by the owner of the domesticated animal or on behalf of another person.

k. Loading, hauling, or transporting a domesticated animal.

l. Breeding domesticated animals.

m. Participating in racing.

n. Showing or displaying a domesticated animal.

4. “*Domesticated animal activity sponsor*” means a person who owns, organizes, manages, or provides facilities for a domesticated animal activity, including, but not limited to, any of the following:

- a. Clubs involved in riding, hunting, competing, or performing.
- b. Youth clubs, including 4-H clubs.
- c. Educational institutions.
- d. Owners, operators, instructors, and promoters of a domesticated animal event or domesticated animal facility, including, but not limited to, stables, boarding facilities, clubhouses, rides, fairs, and arenas.

e. Breeding farms.

f. Training farms.

5. “*Domesticated animal event*” means an event in which a domesticated animal activity occurs, including, but not limited to, any of the following:

- a. A fair.
- b. A rodeo.
- c. An exposition.
- d. A show.
- e. A competition.
- f. A 4-H event.
- g. A sporting event.
- h. An event involving driving, pulling, or cutting.
- i. Hunting.
- j. An equine event or discipline including, but not limited to, dressage, a hunter or jumper

show, polo, steeplechasing, English or western performance riding, a western game, or trail riding.

6. “*Domesticated animal pathogen*” or “*pathogen*” means a microorganism, biological agent, or toxin causing disease, illness, or death to a human, if the microorganism, biological agent, or toxin is primarily transmitted by human contact with a domesticated animal, manure from a domesticated animal, or other excretions or body fluids from a domesticated animal.

7. “*Domesticated animal premises*” or “*premises*” means a location under the management or control of a domesticated animal activity sponsor where domesticated animals are regularly kept for three or more consecutive hours.

8. “*Domesticated animal professional*” means a person who receives compensation for engaging in a domesticated animal activity by doing one of the following:

a. Instructing a participant.

b. Renting the use of a domesticated animal to a participant for the purposes of riding, driving, or being a passenger on a domesticated animal or a vehicle powered by a domesticated animal.

c. Renting equipment or tack to a participant.

9. “*Fair authority*” means the Iowa state fair authority established in [section 173.1](#) or a fair as defined in [section 174.1](#).

10. “*Fairgrounds*” means real estate under the management or control of a fair authority, including land, buildings, and improvements, and which includes but is not limited to areas reserved for domesticated animal events or domesticated animal activities.

11. “*Inherent risks of a domesticated animal activity*” means a danger or condition which is an integral part of a domesticated animal activity, including, but not limited to, the following:

a. The propensity of a domesticated animal to behave in a manner that is reasonably foreseeable to result in damages to property, or injury or death to a person.

b. Risks generally associated with an activity which may include injuries caused by bucking, biting, stumbling, rearing, trampling, scratching, pecking, falling, kicking, or butting.

c. The unpredictable reaction by a domesticated animal to unfamiliar conditions, including, but not limited to, a sudden movement; loud noise; an unfamiliar environment; or the introduction of unfamiliar persons, animals, or objects.

d. A collision by the domesticated animal with an object or animal.

e. The failure of a participant to exercise reasonable care, take adequate precautions, or use adequate control when engaging in the activity, including failing to maintain reasonable control or failing to act in a manner consistent with the person’s abilities.

12. “*Participant*” means a person who engages in a domesticated animal activity, regardless of whether the person receives compensation.

13. “*Spectator*” means a person who is in the vicinity of a domesticated animal activity, but who is not a participant.

[97 Acts, ch 61, §1](#); [2017 Acts, ch 80, §1](#)

### **673.2 Liability.**

A person, including a domesticated animal professional, domesticated animal activity sponsor, the owner of the domesticated animal, or a person exhibiting the domesticated animal, is not liable for the damages, injury, or death suffered by a participant or spectator resulting from the inherent risks of a domesticated animal activity. [This section](#) shall not apply to the extent that the claim for damages, injury, or death is caused by any of the following:

1. An act committed intentionally, recklessly, or while under the influence of an alcoholic beverage or other drug or a combination of such substances which causes damages, injury, or death.

2. The use of equipment or tack used in the domesticated animal activity which the defendant provided to a participant, if the defendant knew or reasonably should have known that the equipment or tack was faulty or defective.

3. The failure to notify a participant of a dangerous latent condition on real property in

which the defendant holds an interest, which is known or should have been known. The notice may be made by posting a clearly visible warning sign on the property.

4. A domesticated animal activity which occurs in a place designated or intended by an animal activity sponsor as a place for persons who are not participants to be present.

5. A domesticated animal activity which causes damages, injury, or death to a spectator who is in a place where a reasonable person who is alert to inherent risks of domesticated animal activities would not expect a domesticated animal activity to occur.

[97 Acts, ch 61, §2](#)

### **673.3 Notice required.**

1. A domesticated animal professional shall post and maintain a sign on real property in which the professional holds an interest, if the professional conducts domesticated animal activities on the property. The location of the sign may be near or on a stable, corral, or arena owned or controlled by the domesticated animal professional. The sign must be clearly visible to a participant. [This section](#) does not require a sign to be posted on a domesticated animal or a vehicle powered by a domesticated animal. The notice shall appear in black letters a minimum of one inch high and in the following form:

#### **WARNING**

Under Iowa law, a domesticated animal professional is not liable for damages suffered by, an injury to, or the death of a participant resulting from the inherent risks of domesticated animal activities, pursuant to Iowa Code [chapter 673](#). You are assuming inherent risks of participating in this domesticated animal activity.

2. If a written contract is executed between a domesticated animal professional and a participant involving domesticated animal activities, the contract shall contain the same notice in clearly readable print. In addition, the contract shall include the following disclaimer:

A number of inherent risks are associated with a domesticated animal activity. A domesticated animal may behave in a manner that results in damages to property or an injury or death to a person. Risks associated with the activity may include injuries caused by bucking, biting, stumbling, rearing, trampling, scratching, pecking, falling, or butting.

The domesticated animal may react unpredictably to conditions, including but not limited to a sudden movement, loud noise, an unfamiliar environment, or the introduction of unfamiliar persons, animals, or objects.

The domesticated animal may also react in a dangerous manner when a condition or treatment is considered hazardous to the welfare of the animal; a collision occurs with an object or animal; or a participant fails to exercise reasonable care, take adequate precautions, or use adequate control when engaging in a domesticated animal activity, including failing to maintain reasonable control of the animal or failing to act in a manner consistent with the person's abilities.

[97 Acts, ch 61, §3](#); [98 Acts, ch 1100, §80](#); [2015 Acts, ch 29, §112](#)

### **673.4 Fairs — domesticated animal premises — liability.**

1. A fair authority is not liable for damages arising from a claim by a participant or spectator alleging injury or death caused by a domesticated animal pathogen transmitted at a domesticated animal premises located on its fairgrounds. [This subsection](#) applies regardless of whether a domesticated animal is present on the domesticated animal premises, when the domesticated animal pathogen is transmitted, or whether a domesticated animal present on the domesticated animal premises is engaged in a domesticated animal activity.

2. [Subsection 1](#) does not apply to the extent that the participant or spectator proves that the fair authority failed to post a warning sign at a conspicuous place at the domesticated animal premises as required in [section 673.5](#).

[2017 Acts, ch 80, §2](#)

**673.5 Warning sign — notice.**

A fair authority shall post a warning sign at a conspicuous place on any domesticated animal premises located on the fairgrounds. The warning sign shall be clearly visible to a person visiting the premises for the first time. The sign shall have a white background and the sign's notice shall be printed in black letters a minimum of one inch high in the following form:

WARNING

DOMESTICATED ANIMAL PREMISES

Under Iowa Code chapter 673, the fair is not liable for a domesticated animal pathogen transmitted from this domesticated animal premises. Take necessary sanitary precautions including by not touching your face or consuming food or water until thoroughly cleansing and drying your hands after your visit. As soon as possible after your visit, thoroughly cleanse your hands using an appropriate soap and water and thoroughly dry them after cleansing.

[2017 Acts, ch 80, §3](#)

Referred to in [§673.4](#)